



**PLANNING COMMITTEE: 13 October 2022**

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**Report of: Corporate Director of Place & Community**

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**SUBJECT: PLANNING APPLICATION REF. 2022/0273/FUL**

**PROPOSAL: Planning application for the development of 20 residential dwellings with associated highway works, accesses and landscaping.**

**ADDRESS: Land to rear of 126-160 Ormskirk Road Up Holland**

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**Wards affected: Up Holland**

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks planning permission for residential development of 20 dwellings on the site.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 That the planning application is refused as the proposed development fails to comply with the NPPF, policy GN3 in the West Lancashire Local Plan 2012-27 and SPD - Design Guide.

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## **3.0 THE SITE**

3.1 The application site comprises of an area of mainly overgrown grassed land situated to the rear of a row of dwellings (no. 126-160) fronting onto Ormskirk Road and the rear of dwellings fronting onto Carlton Avenue. The site is mainly open with some scattered trees. The land levels change across the site with the land sloping down towards the properties on Carlton Avenue. The rear of the site adjacent to Carlton Avenue is approx. 1.5m lower than the front of the site.

3.2 Access to the site is via two separate private roads; one that runs between nos. 138 and 142 Ormskirk Road and another between nos. 152 and 154 Ormskirk Road.

## **4.0 PROPOSAL**

- 4.1 The application proposes the erection of 20 dwellings situated around a courtyard where parking for the dwellings would be provided. The properties would be a mix of terraced dwellings and apartments. Each dwelling would have a garden area to the rear.
- 4.2 It is proposed that the entrance adjacent to the public house would be used for access to the new properties. The other access has been retained but would be used to allow access to the rear of the properties on Ormskirk Road and an existing garage which lies to the rear of nos. 150/152. A communal refuse collection area would be provided at the entrance to the site.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 1996/0443 - Outline- residential development comprising of 23 semi-detached and terraced two storey houses (Including details of siting and means of access)  
- WITHDRAWN

## **6.0 OBSERVATION OF CONSULTEES**

- 6.1 LCC Highways - no objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site. However, concerns with the access / internal layout and red line boundary of the site should be addressed before making a planning decision.
- 6.2 LLFA - no objection subject to conditions
- 6.3 United Utilities - Recommended conditions
- 6.4 Coal Authority - no objection subject to conditions
- 6.5 Lancashire Police - Recommendations regarding security

## **7.0 OTHER REPRESENTATIONS**

- 7.1 Up Holland Parish Council - There are concerns about the density of housing here as the area is very small to fit twenty homes on. The plans do appear to cram in as many houses as possible and as close as possible to existing homes who may suffer amenity loss. The current land is green space and the development will inevitably reduce biodiversity. Some Ormskirk Road properties have a right of access at the rear with garages there. The plans appear to encroach upon this access road, or part of it, narrowing the access road which would make it very difficult to turn into garages. Anything that encourages drivers to park on the very busy Ormskirk Road should be avoided. Access to the development will inevitably increase traffic movements at this section of the A577 where it becomes congested at peak periods. Please note that Premier Builders Ltd did not include the Parish Council in their community consultation.
- 7.2 Letters of representation have been received from 12 local addresses which can be summarised as:

- Concerns regarding access to rear of my property, rights of way across the land and existing parking spaces
- Concerns regarding impact on neighbours - will be loss of privacy, loss of light, noise from new road and influx of people using the access/road
- Concern regarding drainage and potential flooding of site and former coal workings/sinkholes within the area. Area was not previously considered acceptable for building due to previous mining.
- There will be an increase in traffic on A577 and a strain on existing amenities and community facilities such as GPs and dentists in the area
- There is a lack of parking on the site. Concern that there will be an overspill onto the main road causing traffic issues.
- Who will have responsibility for the communal bin store at the front of the site?
- Consider that there is not room for 20 dwellings on this site. It appears cramped
- Concerns regarding impact on wildlife
- Design and layout of proposed development does not match the existing dwellings in the area
- Consider Up Holland does not need any additional housing stock whilst the development in Chequer Lane is on-going.
- No local employment gained from the development as the developer is based in Stockport.
- Concern regarding loss of green land within Up Holland
- Consider there may be an increase in crime
- Concern regarding impacts from construction
- Object to this proposal.

## **8.0 SUPPORTING INFORMATION**

- 8.1 Coal Mining Report  
 Engineering Desk Study  
 Flood Risk assessment and supporting documents  
 Ground Investigations Report  
 Preliminary Ecological Appraisal  
 Statement of Community Involvement  
 Transport Assessment  
 Arboricultural Impact Assessment with Tree Protection Measures  
 Design and Access Statement

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 9.2 The site is located within the settlement boundary of the Regional Town of Skelmersdale with Up Holland as designated in the West Lancashire Local Plan 2012-2027 DPD.

**National Planning Policy Framework**  
 Promoting healthy and safe communities  
 Achieving well-designed places  
 Delivering a sufficient supply of homes

## **West Lancashire Local Plan Policies**

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 – Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EN3 - Provision of Green Infrastructure and Open Recreation Space

Supplementary Planning Document - Design Guide (January 2008)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

10.1 The main considerations for this application are:

### *Principle of development - residential*

10.1 The NPPF supports growth of areas to supply new homes in sustainable locations. Policy SP1 of the Local Plan re-iterates this approach. Policy RS1 of the Local Plan states that within the Regional Town of Skelmersdale with Up Holland, residential development will be permitted on greenfield sites not protected by other policies, subject to the proposals conforming with all other planning policy. Therefore, whilst the Council are able to demonstrate a 5 year supply of housing, the principle of residential development on a site within the settlement area is acceptable subject to compliance with other relevant planning policies.

### *Principle of development - Loss of Open Recreation Space / Green Infrastructure*

10.2 The site is classed as open space and is included in the West Lancashire Open Space Study 2018 as amenity greenspace therefore Policy EN3 part 2 (Provision of Green Infrastructure and Open Recreation Space) is applicable.

10.3 Under policy EN3.2(a), development that results in the loss of existing open space will only be permitted if one of the following conditions are met:

- i. The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;
- ii. The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area;
- or
- iii. Successful mitigation takes place and alternative, improved provision is provided in the same locality.

10.4 The proposed development does not appear to satisfy criteria (ii) or (iii). Therefore, in order that the scheme would comply with EN3.2(a), the Council would need to agree that the open space is unsuitable for retention.

- 10.5 Paragraph 97 of the National Planning Policy Framework (NPPF) also deals with development on open space. The NPPF postdates Local Plan policy EN3 and should be given significant weight. Paragraph 97 of the NPPF states:

*Existing open space ... should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

- 10.6 The submission does not propose to provide any alternative provision therefore the proposed development does not satisfy criteria (b) and (c) and will only be permissible if (a) were satisfied.
- 10.7 As part of the planning statement the submission has been accompanied by an Open Space Assessment which seeks to demonstrate that the land is under-utilised and poor quality amenity space.
- 10.8 The site is an informal recreation space in private ownership. An Open Space Study was undertaken in 2018 to assess the open space, sport and recreational facilities in West Lancashire. The study considers current and future local open space needs, standards, and management. Within the Open Space Study 2018 it was determined that this piece of land lacks basic features such as bins and benches and it is one of the three lowest scoring amenity spaces within the borough although it does score well for accessibility. The land is overgrown and relatively small in size. Whilst it can be accessed along existing roads there is little evidence of heavy use for recreation purposes. Within 350m of the site there are other publicly accessible areas of recreation space including a large area at Newgate Road.
- 10.9 Having regard to the results of the Council's own study and the assessment made within the submission it is my view that the land unsuitable for retention because it is poor quality as identified within the Open Space Study 2018. On that basis I consider the development complies with the requirements of the NPPF and local plan policy EN3.

#### *Affordable and Specialist Housing*

- 10.10 The proposal is for the development of 20 dwellings. Under the terms of policy RS2, provision of 35% affordable housing is required on sites of this scale as the site is in Up Holland. Whilst it has not been demonstrated on the plans which of the properties would be the affordable units the applicant has agreed to provide the required 35% which equates to 7 units. On that basis the proposal would comply with the requirements of local plan policy RS2.
- 10.11 Policies RS1 and RS2 also require that 20% of new residential units should be suitable for the elderly in that the units must be designed specifically for the elderly to live in without adaptation in accordance with Part M4(2) of building

regulations. The submission advises that 40% (8) of the twenty units have been designed in accordance with Building Regulations Requirement M4(2) Category 2. This is acceptable and in accordance with policies RS1 and RS2.

### *Design/Layout*

- 10.12 Paragraph 126 of the NPPF advises that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.
- 10.13 The relationships between the proposed dwellings are expected to meet the prescribed standards outlined in the Council's Local Plan Policy GN3 and SPD Design Guide of a minimum of 21m for principal elevation to principal elevation (front and rear) and 12m from side elevations to principal elevations. The Design Guide also states that gardens will be expected to be a minimum of 10m in length.
- 10.14 The position of the development is back land where residential development would not normally be supported. However, I acknowledge that this plot of land is already surrounded by residential development, and it is my view that the siting of some residential development on the plot would not be so out of keeping that it would warrant refusal of the application.
- 10.15 I am satisfied that the appearance of the buildings, i.e. the materials and architectural features used, would be in keeping with the character of the surrounding development. However the layout of the scheme is not considered to be acceptable. The surrounding dwellings have large front gardens and are set back from the road. In contrast, on entering the application site the appearance would be dominated by car parking in front of the properties with a bin storage area directly adjacent to the entrance. Elevations of this building have not been provided but are shown on the 3D CGI images provided. The dwellings would have no front gardens and would be tightly packed together on three sides of the car park. A landscaping plan showing very limited planting within the car park has been submitted however the planting areas are not replicated on the site layout plan or the CGI images. In any case the layout proposed results in large swathes of hardstanding with little potential to soften the development with soft landscaping. It is unclear where cycle storage would be located and where the bins for each property would be stored when not being left at the collection point. Storage of such items at the front of properties would lead to a cluttered appearance and add to the harsh appearance of the site however there does not appear to be access to rear gardens as gates/bin storage areas are not shown on the plans.
- 10.16 A communal area of open space is proposed to be located in a corner of the site between plots 3 and 4. Due to the orientation of the buildings and the location of the area within the site there would be little natural surveillance of this open space and it is considered to have limited appeal due to its enclosed nature.

Details of the management of this space have not been provided and it is a concern that the area could be subject to anti-social behaviour if not managed and maintained correctly. In terms of private amenity space several of plots are provided with rear gardens that fall short of the minimum set out in the SPD while conversely plot 13-14 (two apartments) are provided with a large wrap around garden at the corner of the site.

10.17 Having regard to the layout of the site, the garden size and the lack of opportunity for appropriate landscaping to be provided it is considered that the proposal would result in overdevelopment of the site and would fail to integrate well into the existing grain of development. On that basis it is considered the development fails to comply with the requirements of local plan policy GN3 and the guidance within the SPD - Design Guide.

#### *Impact on residential amenity*

10.17 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring properties.

10.18 The SPD - Design Guide sets out the minimum required distances between properties however it also states that where there is a change in land levels it is necessary to increase the level of separation to avoid overlooking.

10.19 There are significant land level differences between the site and the properties on Carlton Avenue to the rear. As shown on site layout plan the height difference from the front (south) and rear (north) of the site is approx. 1.5m. This can most clearly be seen on the CGI images submitted as part of the application where the gardens are shown to be split level. Although the minimum distances between principal elevations can be achieved, I consider that due to the land levels the siting of the dwellings on plots 4-13/14 would result in an imposing development that would be overbearing to the properties in Carlton Avenue and Dorchester Road. The new dwellings are likely to result in a loss of privacy for the existing properties in particular to the private garden areas.

10.20 Furthermore, as detailed above, several of the proposed dwellings, namely plots 4, 17, 18 19 and 20, would not be provided with gardens that are compliant with the requirements set out in the SPD. On that basis it is considered that the proposal would not retain reasonable levels of privacy for existing properties and would not provide all future occupants with suitable private amenity space. The proposal therefore fails to comply with the requirements of local plan policy GN3 1(iii).

#### *Highways*

10.20 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.

10.21 I have consulted the Highway Authority in respect of the proposal. No objection has been raised on highway grounds to the principle of using the site for

residential purposes. However, several concerns have been raised regarding the access and internal layout of the site. The Highway Authority accept that full standard ghost right turn lane would be acceptable, but this should also include a pedestrian refuge to protect both the residents when crossing and right turn drivers. No details have been provided. In addition, the application states that the existing access arrangement will be improved to provide a 4.8m wide surface carriageway with 6m radii and 2m wide footways to the east and west however the Proposed Site Plan shows that the proposed footway on the western side is on land which is outside the red line area of the site. The Highway Officer advises this is not highway-controlled land and it would appear from the submissions that the developer is unable to deliver the proposed changes or that they could be conditioned due to being outside the red edge. The proposed geometry of the site access is not to prescribed design standards for this size of development.

10.22 The internal layout is not to the standard expected for the estate road to be adopted by Lancashire County Council as the Highway Authority. No turning head has been provided within the proposed layout and the swept path analysis shown is for a 9.86m refuse vehicle instead of a 11.2m long refuse vehicle as required by the Highway Authority. In addition, a suitable swept path analysis has not been provided to show access for all existing parking/garages associated with the existing properties fronting Ormskirk Road. It is considered that suitable parking can be provided in accordance with policy IF2 for the new dwellings however details of cycle parking/storage and electric vehicle charging points would also be needed.

10.23 On the basis of the information provided at this time it is considered the proposal does not demonstrate there would be safe and suitable access for pedestrians or vehicles or that the internal layout of the site is acceptable. The proposal therefore fails to comply with the requirements of local plan policy GN3 2.

#### *Drainage*

10.24 The submission has been accompanied by drainage documentation which has been considered by the Lead Local Flood Authority. Whilst the LLFA have no objection to the principle of the scheme further details are required of the surface and foul water drainage of the site. Several conditions are recommended which are appropriate to the proposed development.

#### *Coal working area*

10.25 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, the Coal Authority records indicate that mine shaft 351405-001 is present with the application site (within the access between nos. 152 and 154 Ormskirk Road). The Coal Authority have assessed the submitted information and recommend that further investigation works would be needed prior to the commencement of works as the submitted information does not definitively conclude that the site is safe and stable for the proposed development. If workings are found to be present within influencing distance of the development, details of any necessary remedial or



mitigatory measures would be needed. The Coal Authority recommend conditions in that regard which are necessary and appropriate to the development.

### *Ecology*

- 10.26 Policy EN2 2 in the Local Plan states development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, are required to fully offset impacts.
- 10.27 The application has been accompanied by a Preliminary Ecological Assessment which concludes that the proposed development would have a negligible impact on protected species or their habitats. Enhancements are suggested within the report which could be included within the scheme. I am satisfied that the proposal would not result in harm to protected species or their habits and therefore the proposal complies with the requirements of local plan policy EN2 2.

### *Trees/Landscaping*

- 10.28 Policy EN2 3 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife, or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. All development should include appropriate landscaping plans which incorporate suitable tree planting that integrates well with all existing trees.
- 10.29 There are several mature trees within and along the boundaries of the site. The application has been accompanied by an Arboricultural Impact Assessment (AIA) which demonstrates that five trees would need to be removed to enable the development. Two of the trees are category B trees and three are category C. The AIA at section 3.3 recommends "that the proposed tree removal be mitigated as part of a post development planting scheme of well-structured new trees that will add to the quality of the area and help integrate the proposed development into the surrounding landscape."
- 10.30 The trees to be removed are Beech trees approx. 12.5m in height with a life expectancy of 40+ years. The trees proposed are non-native and are more ornamental in character. Whilst the remaining trees can be retained, with suitable protection during construction, they are situated at the boundaries of the site and would be obscured from view by the proposed dwellings. Minimal landscaping has been proposed to soften views at the front of the site and it is not considered adequate to assist in the assimilation of the development into the local area. As detailed above it is considered that the lack of space for soft landscaping is because of the overdevelopment of the site.
- 10.31 It is considered the proposal fails to comply with the requirements of policy EN2 3 as appropriate landscaping plans with suitable replacement tree planting have not been incorporated into the scheme.

## **11.0 CONCLUSION**

11.1 The principle of residential development within the settlement boundary of Up Holland is acceptable. It is acknowledged the open space is not of good quality and it is agreed that the land is unsuitable for retention in accordance with policy EN3. However, the proposal is considered to be overdevelopment of the site. The appearance at the entrance would be dominated by a large area of hardstanding at the front of the dwellings. Furthermore, the proposal fails provide a safe and suitable access or internal road layout, fails to protect existing residential amenity and does not provide suitable private amenity space for all proposed dwellings. Subject to conditions the proposal is not considered to have any significant adverse impacts on drainage or coal working area however these are considered to be neutral matters which do not outweigh the harm set out above. It is therefore considered that the proposal fails to meet the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD.

## **12.0 RECOMMENDATION**

12.1 The proposed development fails to comply with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for refusal for the following reasons:

1. The proposed development conflicts with Policies GN3 and EN2 of the West Lancashire Local Plan (2012-2027) DPD and supplementary planning document 'Design Guide' in that due to the proposed layout of the site, the garden size of several properties, unsuitable area of open space and the lack of opportunity for appropriate soft landscaping to be provided it is considered that the proposal would result in overdevelopment of the site and would fail to integrate well into the existing grain of development.
2. The proposal conflicts with Policy GN3 in the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' in that it would result in an overbearing form of development and would give rise to overlooking and loss of privacy to the neighbouring properties in Carlton Avenue to the significant detriment of the residential amenity of occupiers of those properties.
3. The submission documentation fails to demonstrate that the development would provide a safe and suitable access and road layout design and therefore the proposal fails to meet the requirements of Policy GN3 in the West Lancashire Local Plan (2012- 2027) Development Plan Document.

## **13.0 SUSTAINABILITY IMPLICATIONS**

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

## **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

## **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

### **Appendices**

None.